

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**Jul 23, 2008**

**DIVISION ONE**

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Neidorf, J. (Assigned) and P. Gonzalez, Deputy Clerk.

Each of the following:

B199401 Lawrence v. Bunch

B200990 Narghi v. Research and Development Laboratories

Argument waived, cause submitted.

B196181      Wilshire Margot Apartments v. LAUSD

Matter advanced to July 22, 2008.

B202399      Swain v. American Capital Strategies

Matter continued to August 19, 2008.

B202399      Cardenas v. Seven Palms Apartment

Matter continued to August 20, 2008.

B197513      Kettenring v. LAUSD

Matter taken off calendar.

DIVISION ONE (continued)

B198990      Valentin Shustov  
                 v.  
                 Housing Authority for the County of Los Angeles

Merits:  
Argued by Nicole D. Tinkham and Douglas Fee for respondent and no  
appearance for appellant. Cause submitted.

B199498      Octagon Plaza LLC  
                 v.  
                 Kelly McClain et al.

Merits:  
Argued by Joseph R. Brown for appellants and by J. Steven Kennedy for  
respondent. Cause submitted.

In open court Presiding Justice Mallano grants appellant Valentin Shustov's request to be  
heard in the case of Shustov v. Housing Authority, etc., number B198990 previously  
argued and submitted.

B198990      Valentin Shustov  
                 v.  
                 Housing Authority for the County of Los Angeles

Merits:  
Argued by Valentin Shustov in propria persona and by Nicole D. Tinkham  
for respondent. Cause submitted.

B187379      Redevelopment Agency of the City of Long Beach  
                 v.  
                 Richard F. Nguyen

Merits:  
Argued by Todd R. Moore for appellant and by Karen A. Larson for  
appellant Sunrise Market. Cause submitted.

DIVISION ONE (continued)

B193841      Ramiro Serrano et al.  
                 v.  
                 Amrep Inc.

Merits:

Argued by Michael S. Ayers for appellant and by Vincent Vallin Bennett for respondents. Cause submitted.

B198360      Gladys Mendoza  
                 v.  
                 Longs Drugs stores California Inc., et al.

Merits:

Argued by Federico C. Sayre for appellant and by Cristina Olivella for respondents. Cause submitted.

B200379      Anton Ambrose  
                 v.  
                 Farmers New World Life Insurance Co.

Merits:

Argued by Martin N. Buchanan for appellant and by Peter H. Mason for respondent. Cause submitted.

B196219      Marilyn Ortner et al.  
                 v.  
                 Enterprise Rent-a-Car Company of Los Angeles

Merits:

Argued by Stanley K. Jacobs for respondents and by Jerry C. Popovich for appellant. Cause submitted.

DIVISION ONE (continued)

B206854      Shashikant Jogani  
v.  
Superior Court, Los Angeles County  
(Haresh Jogani et al., r.p.i.)

Merits:

Argued by Margaret Grignon for petitioner and by Marshall B. Grossman for real party in interest. Cause submitted.

B195859      Yahya Eshaghian et al.  
v.  
Law Offices of Edelberg & Espina et al.

Merits:

Argued by Andrew L. Krzemuski for appellants and by Claire N. Espina for respondents. Cause submitted.

B200801      Compueter Sciences Corporation  
v.  
Cerner Corporation et al.

Merits:

Argued by Brian C. Lysaght for appellant, by A. Bradley Bodamer for respondent Cerner Corporation and by Alan E. Friedman for respondent Children's Hospital. Cause submitted.

B195416      Winfred Delloro  
v.  
Michelin North America Inc., et al.

Merits:

Argued by David Bigelow for appellant and by James J. Yukevich for respondents. Cause submitted.

Court Adjourned.

## DIVISION ONE (continued)

B202914 People (Not for Publication)  
v.  
Purdue

The judgment is affirmed and the trial court is ordered to correct the abstract of judgment to reflect that defendant was convicted of assault under Penal Code section 245, subdivision (b), and to forward a copy of the corrected abstract to the Department of Corrections and Rehabilitation.

Mallano, P.J.

We concur: Rothschild, J.  
Neidorf, J. (Assigned)

B197599 People (Not for Publication)  
v.  
Tautalafua & Afusia

The judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.  
Neidorf, J. (Assigned)

B199851 People (Not for Publication)  
v.  
Meza

The judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.  
Neidorf, J. (Assigned)

July 23, 2008 (Continued)

## DIVISION ONE (continued)

[illegible]

The judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.  
Neidorf, J. (Assigned)

[illegible]

The judgment (order granting probation) is affirmed.

Mallano, P.J.

We concur: Rothschild, J.  
Neidorf, J. (Assigned)

DIVISION TWO

B198066      Judy Reed      (Not for Publication)  
v.  
Ferguson & Melvin, Inc.

The dismissal is affirmed. Ferguson shall recover its costs on appeal.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

July 23, 2008 (Continued)

## DIVISION TWO (continued)

B198036      People                                  (Not for Publication)  
v.  
Baker & Stewart

The judgments are affirmed.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

B204260      People      (Not for Publication)  
v.  
Alphonso W.

The Court:

The judgment is affirmed.

Boren, P.J., Ashmann-Gerst, J., Chavez, J.

B195418      Deutsch, et al.  
v.  
Masonic Homes of California, Inc.

Filed order denying petition for rehearing.

B202411      Stone Street Capital LLC  
v.  
California State Lottery Commission

Filed order certifying opinion for publication.

July 23, 2008 (Continued)

DIVISION FOUR

B196369      Manley      (Not for Publication)

V.

Burunsuzyan, et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Willhite, J.

We concur: Epstein, P.J.  
Suzukawa, J.

DIVISION FIVE

B199619 People (Not for Publication)

V.

Paul Douglas Fowler &amp; Brian Matthew Thomas

The judgment is modified to impose five \$20 Penal Code section 1468.5, subdivision (a) court security fees as to Mr. Thomas and three \$20 Penal Code section 1468.5, subdivision fess as to Mr. Fowler. Upon issuance of the remittitur, the superior court clerk shall forward an amended abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Mosk, J.  
Kriegler, J.



## DIVISION FIVE (continued)

B198407 People (Not for Publication)

V.

Tredis Earl Ferguson

The \$10 fines pursuant to Penal Code section 1202.5 in case Nos. BA306078 and BA282022 are ordered stricken. The judgment is reversed conditionally and remanded to the trial court with directions to conduct an in camera hearing on defendant's Pitchess motion. If the hearing reveals no discoverable information in the officers' personnel files, the trial court is ordered to reinstate the original judgment, and the judgment is ordered affirmed. If discoverable material exists and defendant can demonstrate prejudice, the trial court should order a new trial. If defendant is unable to demonstrate prejudice, the trial court is ordered to reinstate the original judgment and sentence as corrected, and the judgment is otherwise ordered affirmed.

Kriegler, J.

We concur: Turner, P.J.

Mosk, J.

B199633 People (Not for Publication)

V.

Adolph Laudenberg

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.

Armstrong, J.

July 23, 2008 (Continued)

## DIVISION FIVE (continued)

B204769 People (Not for Publication)

V.

Alejandro Garcia Castaneda

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.

Armstrong, J.

B202710 Evelyn Thomopoluos et al (Not for Publication)

V.

# Oakwood Worldwide

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Turner, P.J.

Mosk, J.

B202202 Carlos Campos (Not for Publication)

V.

Champion Chevrolet, Inc.

The judgment is reversed. Appellant(s) to recover costs.

Kriegler, J.

We concur:   Turner, P.J.

Armstrong, J.

DIVISION FIVE (continued)

B196840 William Wright III (Not for Publication)

v.

Northrop Grumman Corporation

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Turner, P.J.  
Armstrong, J.

B200273 Bannaoun Engineers (Not for Publication)

v.

MacKone Development, Inc.

The judgment is reversed insofar as it awards \$2,138.07 in prompt payment penalties (Public Contract Code 7107) to plaintiff. In all other respects, the judgment is affirmed. Plaintiff is to recover its costs on appeal from defendant.

Turner, P.J.

I concur: Armstrong, J.  
I dissent: Mosk, J. (Opinion)

## DIVISION FIVE (Continued)

B188583 People (Not for Publication)

V.

Jose Luis Carbajal, et al.,

The cause is submitted.

We affirm the judgments of conviction for appellants Malaquias and Carbajal in all respects. We remand this matter for resentencing of appellant Delgado under the procedures outlined in *People v. Sandoval*, supra, 41 Cal.4th 825. We affirm Delgado's judgment of conviction in all other respects.

Armstrong, Acting P.J.

We concur: Mosk, J.  
Kriegler, J.

B203469 People (Not for Publication)

V.

Manuel Paul D.

The wardship order is affirmed. The order committing the minor to the Division of Juvenile Justice is affirmed. The order calculating the maximum period of physical confinement is reversed. Upon remittitur issuance, the juvenile court is to recalculate the minor's maximum period of physical confinement in a manner consistent with the views set forth in the body of this opinion. The dispositional order is affirmed in all other respects.

Turner, P.J.

We concur: Mosk, J.  
Kriegler, J.

July 23, 2008 (Continued)

## DIVISION FIVE (continued)

B201148	In re Aubrey Trust
B204931	v.
B202858	Summers Chaussier

Filed order consolidating above captioned appeals for the purposes of argument on the orders to show cause re dismissal of the appeals herein.

DIVISION SIX

B199518      Sauser      (Not for Publication)  
v.  
Collison

We dismiss the appeal as to Robert, but otherwise affirm. Respondents are to recover costs.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

B186055      Union Oil Company of California  
v.  
Greka Energy Corporation et al.,

Filed order certifying opinion for publication.

July 23, 2008 (Continued)

DIVISION EIGHT

B199858 People v. Gordon (Not for Publication)

The clerk of the superior court is directed to amend the abstract of judgment to reflect that appellant's conviction for count 17 was for burglary in the first degree, and is further directed to forward the amended abstract of judgment to the Department of Corrections and Rehabilitation. As amended, the judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.